

**POLLACK, P.C.**

INTELLECTUAL PROPERTY &amp; TECHNOLOGY LICENSING ATTORNEYS

GRANT E. POLLACK  
ALBERT A. CHINTHE CHRYSLER BUILDING  
132 EAST 43<sup>RD</sup> STREET, SUITE 760  
NEW YORK, NY 10017**RECEIVED  
CENTRAL FAX CENTER  
JAN 27 2009**Grant E. Pollack  
gpollack@pollackpc.com(646) 265-1468  
FAX1: (646) 253-1276  
FAX2: (212) 867-0002E-MAIL: gpollack@pollackpc.com  
URL: www.pollackpc.com**FACSIMILE TRANSMITTAL**

FROM: Grant E. Pollack, Esq.

DATE: January 27, 2009

SERIAL NO.: 10/528,164

NO. OF PAGES (including cover): 15

FILED: March 14, 2005

DOCKET NO.: 1038.1001

**PLEASE DELIVER THE FOLLOWING TO:**

<u>Name</u>	<u>Firm/Company</u>	<u>Fax No.</u>
Attn: E. Gillis (LIE)	U.S. Patent and Trademark Office	(571) 273-8300

**MESSAGE:**

Please see attached.

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1038.1001

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant : Ravi I. SHARMA  
Serial No. : 10/528,164  
Filed : March 14, 2005  
For : INVERTED KEYBOARD INSTRUMENT  
AND METHOD OF PLAYING THE SAME  
Group Art Unit : 2837  
Examiner : Walter Benson  
Confirmation No. : 6495

**RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT**

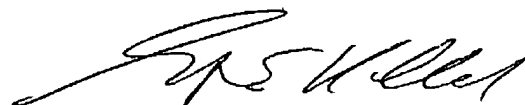
Commissioner for Patents  
P.O. Box 1460  
Alexandria, VA 22313-1450

Dear Sir:

In response to a Notice Of Non-Compliant Amendment dated January 21, 2009, Applicant submits (i) a Second Supplemental Preliminary Amendment; and (ii) a copy of the Notice Of Non-Compliant Amendment.

Respectfully submitted,

Dated: January 27, 2009



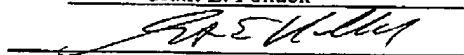
Grant E. Pollack, Esq.  
Registration No. 34,097  
POLLACK, P.C.

The Chrysler Building  
132 East 43<sup>rd</sup> Street, Suite 760  
New York, New York 10017  
Telephone: (646) 265-1468  
Facsimile: (646) 253-1276

E-mail: gpollack@pollackpc.com  
Attorney for Applicant

I hereby certify that this correspondence is being  
transmitted by facsimile to the United States  
Patent and Trademark Office, (571) 273-8300,  
on January 27, 2009

Name Grant E. Pollack




Signature

**UNITED STATES PATENT AND TRADEMARK OFFICE**

UNITED STATES DEPARTMENT OF COMMERCE  
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41226 c 01/21/2009  
GRANT E. POLLACK, ESQ.  
THE CHRYSLER BUILDING  
132 EAST 43RD STREET, SUITE 760  
New York, NY 10017

**Paper No.**

Application No.: 10/528,164 	Date Mailed: 01/21/2009
First Named Inventor: Sharma, Ravi,	Examiner: BENSON, WALTER
Attorney Docket No.: 1038.1001	Art Unit: 2837
Confirmation No.: 6495	Filing Date: 07/23/2008

Please find attached an Office communication concerning this application or proceeding.

**Commissioner for Patents**

PTO-90c (Rev.08-06)

<b>Notice of Non-Compliant Amendment</b> <b>(37 CFR 1.121)</b>	Application No. 10/528,164	Applicant(s) SHARMA, RAVI	
		Art Unit 2800	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 10/27/08 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
  - ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☐ C. Other \_\_\_\_\_.
- ☐ 2. Abstract:
  - ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B. Other \_\_\_\_\_.
- ☐ 3. Amendments to the drawings:
  - ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
  - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
  - ☐ C. Other \_\_\_\_\_.
- ☒ 4. Amendments to the claims:
  - ☐ A. A complete listing of all of the claims is not present.
  - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
  - ☒ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☒ E. Other: See Continuation Sheet.
- ☐ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4): For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

**TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:**

- Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance, or a drawing submission (only) If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.
- Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a Quayle action. If any of above boxes 1 to 4 are checked, the correction required is only the corrected section of the non-compliant amendment in compliance with 37 CFR 1.121.

**Extensions of time** are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action.

**Failure to timely respond** to this notice will result in:

- Abandonment** of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action; or
- Non-entry** of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Legal Instruments Examiner (LIE), if applicable /EVA GILLIS/ Telephone No: (571)272-1577

**Continuation Sheet (PTOL-324)**

**Application No.10/528,164**

Continuation of 4. Other: Claims 1, 5, and 8 (previously presented) should be (original) and claim 46 is missings.